



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/563,070

04/11/2006

Stephen David Voller

0113.00003

3661

7590

07/09/2008

Kenneth I Kohn
Kohn & Associates
Suite 410
30500 Northwestern Highway
Farmington Hills, MI 48334

EXAMINER

SUITTE, BRYANT P

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

07/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,070	Applicant(s) VOLLER ET AL.	
	Examiner BRYANT SUITTE	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-51 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

FUEL CELL SYSTEM

Examiner: Suitte

10/563,070 Art Unit: 1795

June 24, 2008

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

2. Group I, claims 1-6 and 14, drawn to a fuel cell system components that are arranged to facilitate the transfer of heat.

Group II, claim 7, drawn to a fuel cell system comprising a portable casing.

Group III, claims 8-9, drawn to a fuel cell system comprising a connector coupled to a fuel line.

Group IV, claims 10-12, drawn to a fuel cell system comprising a fuel supply line.

Group V, claim 13, drawn to a fuel canister.

Group VI, claim 15, drawn to a method for estimating the amount of fuel in a fuel canister.

Group VII, claims 16-17 and 48-51, drawn to a fuel cell system comprising a controller and a data reader.

Group VIII, claims 18-19, drawn to a fuel cell system comprising a hydrogen supply source.

Group IX, claims 20-21, drawn to a fuel cell system in which a controller is operable to a monitor.

Group X, claims 22-31, drawn to a fuel cell system comprising mixing to a variable extent oxygen-depleted air output.

Art Unit: 1795

Group XI, claims 32-34, drawn to a fuel cell system having an inlet for receiving fuel air and exhaust outlet exhaust air.

Group XII, claim(35-42, drawn to a fuel cell system extracting water from a stream of relatively water-rich oxygen-depleted air output from the stack.

Group XIII, claims 43-47, drawn to a fuel cell system device connected with said stack for receiving exhaust air.

3. The inventions listed as Groups I-XIII, do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I requires the transfer of heat which is not required by Groups II-XIII, Group II requires a portable casing which is not required by Groups I and III-XIII, Group III requires a connector to a fuel line which is not required by Groups I-II and IV-XIII, Group IV requires a fuel supply line which is not required by Groups I-III and V-XIII, Group V requires a fuel canister which is not required by Groups I-IV and VI-XIII, Group VI requires a method for estimating fuel which is not required by Groups I-V and VII-XIII, Group VII requires a controller and data reader which is not required by Groups I-VI and VIII-XIII, Group VIII requires a hydrogen supply which is not required by Groups I-VII and IX-XIII, Group IX requires a controller that is operable to a monitor which is not required by Groups I-VIII and X-XIII, Group X requires a variable extent oxygen-depleted air output which is not required by Groups I-IX and XI-XIII, Group XI requires an inlet for receiving fuel air and exhaust outlet exhaust air which is not required by Group I-X and XII-XIII, Group XII requires water from a stream of relatively water-rich oxygen-depleted air output from the stack which is not required by Groups I-XI and XIII, Group XIII requires device connected with said stack for receiving exhaust air which is not required by Groups I-XII.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does

Art Unit: 1795

not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYANT SUITTE whose telephone number is (571)270-3961. The examiner can normally be reached on Mon-Fri 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan can be reached on 571-272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

/Dah-Wei D. Yuan/
Supervisory Patent Examiner, Art Unit 1795